



DAVIES COLLISON CAVE
PATENT & TRADE MARK ATTORNEYS



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NOTIFICATION OF SEARCH RESULTS

NOV 11 2002

Due to recent changes in Australian Patent law, the applicant is now required to inform the Australian Patent Office of the results of any documentary searches conducted for the purpose of assessing the patentability of the invention that are carried out by or on behalf of the applicant, or the applicant's predecessor in title, prior to the grant of the patent in Australia. Technology Center 2100

Strict compliance requires lodgement of the following:

- (a) If a patent office has conducted the search and has prepared a report of the search, a copy of the report. This is considered to include reports such as a European Patent Office Search Report and a US PTO Notice of References Cited.
- (b) If the patent office has not prepared a report of the search, a list of the documents cited by the patent office. This includes documents that are simply referred to in an official examination report.
- (c) If a search was conducted by the applicant or another party, a list of documents that are the result of the search.

The sanction for non-compliance is a restriction on the allowability of post grant amendments where the effect of the amendment would be to make a claim valid over prior art that was not disclosed to the Australian Patent Office.

All documents located in a search should be identified, both relevant and non-relevant, whether that search was conducted before or after the first application directed to the invention was filed. If (c) applies, in practice, if the same approach is taken as that in respect of the Information Disclosure Statement in the United States the sanction is unlikely to apply. This is because all relevant documents should have been disclosed in the US Information Disclosure Statement, and a non-relevant document should not later require a distinguishing amendment to the claims.

Copies of the documents are **not** required.

The deadline for filing search results is the latest of:

- (i) the time of requesting examination;
- (ii) 6 months from the date of the search; or
- (iii) 1 January 2003.

The deadline of 6 months from the date of the search for lodgement of search results could conceivably be up to 6 months after the actual date of grant.

Please note the requirement to provide details of any searches conducted prior to grant of the patent is ongoing. Therefore, please continue to advise us of any fresh search results so that these can be reported to the Patent Office.

Finally, the Patent Office has reported that it will arrange to have the applicable law amended to simplify the requirements, but at this stage the timing and final details of the changes have not been established.

WEDNESDAY 28 AUG 2002

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28 August 2002

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Your Ref: 2506095/AXD

Examiner's first report on patent application no. 16797/02
by HITACHI, LTD.

Last proposed amendment no.

Dear Madam/Sir,

I am replying to the request for normal examination. I have examined the application and I believe that there are lawful grounds of objection to the application. These grounds of objection are:

1. Claim 14 is not clear because it is broad and has an indeterminate scope.
2. The invention defined in claims 1-13 is not novel when compared with the following document which discloses all the essential features of the invention claimed:
 - (i) US 6035402 A (Vaeth et al.) 7 March 2000, See col. 5 line 60-col. 11 line 25.
 - (ii) EP 1130844 A2 (Sony Corporation) 5 September 2001, See col. 3 line 40-col. 38 line 52.
 - (iii) US 6308277 B1 (Vaeth et al.) 23 October 2001, See col. 5 line 66-col. 11 line 32.

You have 21 months from the date of this report to overcome all my objection(s) otherwise your application will lapse. You will need to pay a monthly fee for any response you file after 12 months from the date of this report.

Yours faithfully,

Juzer Khanbhai

JUZER KHANBHAJ
Examiner of Patents, Section C3
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